IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6719 of 2007()

CR.NO.163/07 OF CHENGANNUR EXCISE RANGE
CMP.5259/2007 of J.M.F.C.-II, CHENGANNUR

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PETITIONERS/ACCUSED NO.3 AND 4 IN CR.NO.163/2007

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1. SHAMSUDEEN, S/O.SRI.SHOUKATHALI,
PEROORTHARAYIL VEEDU, CHERUVALLUR MURI,
CHERIYANAD VILLAGE, CHENGANNUR TALUK.

2. SUDHEESH, AGED 32 YEARS, S/O.
PRABHAKARAN, CHANTHOORATHIL VEEDU,
PENNUKKARAMURI, ALA VILLAGE, CHENGANNUR TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR
SRI.C.S.DIAS
SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT IN CR 163/07

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6719 of 2007

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Dated this the 5th day of November, 2007

O R D E R

Application for regular bail. The petitioners are accused 3 and 4. Altogether there are four accused persons. 12 litres of spirit were allegedly seized from the possession of accused 1 to 4. A1 and A2 were not available at the time of detection. The first accused has subsequently been arrested. The second accused has been granted anticipatory bail. The petitioners were available in the premises. They were arrested on 1.10.2007, the date of detection. They continue in custody from that date.

2. The learned counsel for the petitioners prays that the petitioners may be granted regular bail now, they having remained in custody from 1.10.2007.

3. The learned Prosecutor vehemently opposes the application in so far as it relate to the third accused, but submits that in so far as the 4th accused is concerned, the State has no objection in bail being granted to him with effect from a future

date after giving the Investigators reasonable further time to complete the investigation. So far as the third accused is concerned, he has dubious history of criminal antecedents and he has as many as five cases under the Abkari Act to his credit, it is pointed out.

4. I am satisfied that the second petitioner/A4 can be granted regular bail and the prayer of the first petitioner/A3 deserves to be dismissed.

5. In the result:

1) This application is allowed in part.

2) So far as it relates to the third petitioner, this application is dismissed with the observation that the petitioner shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to 19.11.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

3) The second petitioner/A4 shall be released on bail on the following terms and conditions.

(a) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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